

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KILEY CLAY-EL, Inmate #R00217,)
)
)
Plaintiff,)
)
vs.) **CIVIL NO. 05-718-DRH**
)
ROGER E. WALKER, JR., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

HERNDON, District Judge:

This action was dismissed and judgment entered in favor of defendants on November 27, 2006, after the Court determined, pursuant to 28 U.S.C. § 1915A, that Plaintiff's *pro se* complaint failed to state a claim. On December 22, 2006, almost one month after the entry of judgment, Plaintiff filed an amended complaint.

A plaintiff may amend the pleadings after the entry of judgment, however, "the presumption in favor of liberality in granting motions to amend [under Rule 15(a)] is reversed after judgment has been entered." *Rodriguez v. United States*, 286 F.3d 972, 980 (7th Cir. 2002), quoting *Vicom Inc. v. Harbridge Merchant Services Inc.*, 20 F.3d 771, 785 n. 13 (7th Cir. 1994). Where a plaintiff wishes to amend his complaint after judgment, he may do so only after the judgment has been vacated or set aside pursuant to either Federal Rule of Civil Procedure 59(e) or 60(b) and the case has been reopened. See *Sparrow v. Heller*, 116 F.3d 204, 205 (7th Cir. 1997). Failure to seek vacation of the judgment is grounds for denying the request for post-judgment amendment. *Id.*, citing *Diersen v. Chicago Car Exchange*, 110 F.3d 481, 488 n.6 (7th Cir. 1997).

Plaintiff has not filed a motion to set aside the judgment, nor has he filed a motion to amend the complaint in accordance with the local rules.¹ Therefore, based on the aforementioned legal standards, Plaintiff's amended complaint (Doc. 24) is **DISMISSED**.

IT IS SO ORDERED.

DATED: February 12, 2007.

/s/ David RHerndon
DISTRICT JUDGE

¹"The original of a proposed amendment to a pleading or amended pleading itself should accompany the motion to amend so that it may be filed *instanter* if the motion is granted." Local Rule 15.1.